



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE
8/18/1994

WATER RIGHT NUMBER
S3-29725

MAILING ADDRESS
LARRY LIDDLE
5198 NORTHPORT-WANETA ROAD
COLVILLE WA 99114-9170

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Diversion

WITHDRAWAL OR DIVERSION RATE
0.04

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
1

Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Group Domestic supply for 3 residences	0.04		CFS		1	01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA		
STEVENS	UNNAMED SPRING					61-UPPER LAKE ROOSEVELT		
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	5693900		40 N.	41 E.	10	S½SW¼	48.98262	117.62086

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

5693900, 5692800, 5692700

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tax Lot 18(Tract 6 of Sunland Riverview Division #1), the North 10 acres of Tax Lot 5 (A portion of Tract 7 of Sunland Riverview Division #1), and the South 10 acres of Tax Lot 5 (A portion of Tract 7 of Sunland Riverview Division #1 in Section 10, T. 40 N., R. 41 E.W.M.

Proposed Works

Developed spring, gravity feed to multiple cisterns for delivery to multiple residences

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
September 1, 2017*	September 1, 2019	September 1, 2021

*Due to the fluctuation of water availability, the preliminary design for construction approval of this system must be approved by the Department of Health or Tri County Health. The design approval for the system must be submitted prior to Beginning of Construction.

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

The design and construction of this system must be approved in writing and approval of the design must be submitted prior to Beginning of Construction.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will

reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include contracting with a Certified Water Right Examiner to confirm as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-29725, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 21st day of October, 2014.


Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-29725.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Colville Statesman Examiner on September 20 and 27, 2000, and no protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required by Ecology.

INVESTIGATION

A site visit was conducted by Kevin Brown and Jeff MacLennan, July 28, 2014. The project was discussed, however the applicant declined to participate in the field examination.

The spring is located at the base of a steep slope on the east side of Tax Lot 18 (Tract 6 Sunland Riverview Division No. 1) in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10 on the applicant's property. A concrete ring tile

is in the ground and contained approximately one foot of water at the time of the field exam. Less than ¼ gallon per minute was weeping into the tile. The spring tile is under a small A-frame building in disrepair. A 1 inch pvc pipe was used at one time for an old building on this lot. No one has lived on the property for some time.

There is evidence the spring flows significantly at times of the year. Old flow lines are over the door frame and a small channel is evident for about 40 yards down to a flat area in the trees where it percolates back into the ground. This area was still wet at the time of the field exam. The overflow of the spring does not directly contribute to any surface water body.

The overflow appears to be in the late winter/early spring and summer when the area is more saturated.

As of the date of the exam, very little water is evident in the spring. The flow will probably be low (1/8 gpm or less) until fall rains recharge the area.

The applicant is aware of the low summer production and plans on installing multiple storage tanks, one for each residence, as water may not be physically available during the late summer/early fall periods.

The original application requested 4-5 lots. The applicant currently owns four lots in the area. Tract 21 is located down by the highway and is currently served by a domestic exempt well. This is the Liddle residence. Since Tract 21 is served by an exempt well, it is not considered under this proposal. These three lots are considered under this application. (Tracts 5, 6 of the Sunland Riverview Division No. 1. Tract 5 is divided into two lots).

These lands (Tract 5 and 6) are subject to a 20 acre lot size under the county zoning and probably cannot be subdivided further. The original application also included Tax Lot 13 (Parcel 5693500 the Landing Strip). Since the applicant does not own this property, it was not included in the decision.

Existing Water Rights

There are no other existing water rights for the proposed lands.

Beneficial Use

Group domestic supply for three homes is a beneficial use.

An estimate of 300 gallons per day per unit would require 0.33 acre-feet per unit or 1 acre-foot per year. If the flow of the spring is at ¼ gpm, only 180 gallons per day would be available during the dry months. A significant amount of storage may be required to satisfy 2-3 months of low flow periods. The applicant will need to obtain source approval from the Department of Health and building permits from the county.

This authorization may be reduced to correspond with the total number of homes approved by the Department of Health and actually developed from this diversion.

Water Availability

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well.

Water is seasonally available for appropriation. Sufficient storage is going to need to be developed to satisfy the late summer low flow periods. Due to the low flow period, this authorization is limited to in-house domestic use.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion.

The water rises and falls on the applicant's property and does not flow off the property. No other water rights are on file in the area. There would be no impairment to existing water rights.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that surface water from a spring is seasonally available for group domestic supply of three homes. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare provided the conditions of construction are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

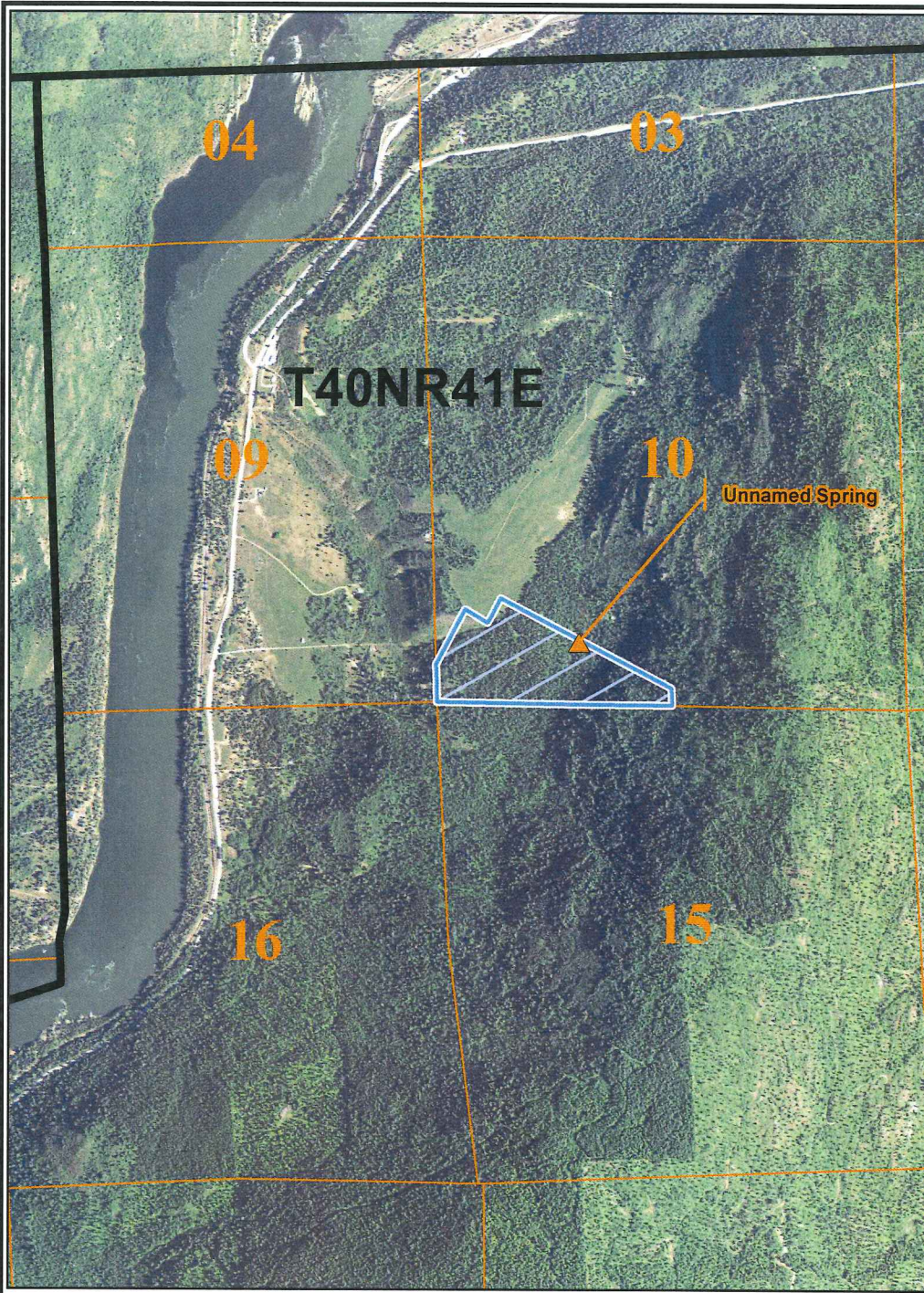
The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.04 cubic feet per second for in-house domestic supply for up to three residences
1 acre-foot per year

Point of Diversion: within the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 40 North, Range 41 E.W.M.

Kevin Brown *10/21/14*
Kevin Brown, Report Writer Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)



Map Date: 8/28/2014



Comment:

Place of use and source loc
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